



EB-06-TC-060
ENFORCEMENT BUREAU Docket No. 06-36

CERTIFICATION OF CPNI FILING FEBRUARY 6, 2006

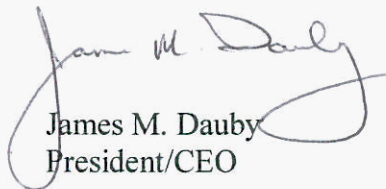
Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Dear Secretary Dortch:

In accordance with the Public Notice issued by the Enforcement Bureau on January 30, 2006, please find attached our company's annual compliance certificate for the most recent period as required by section 64.2009(e) of the Commission's Rules together with a statement of our company's operating procedures established to ensure compliance with the Commission's Rules and Regulations regarding Customer Proprietary Network Information. Our next annual compliance certificate is scheduled for December 2006.

Should you have any questions regarding this filing, please direct them to the undersigned.

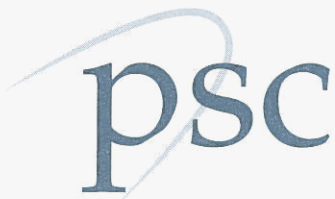
Sincerely,

A handwritten signature in blue ink, appearing to read "James M. Dauby", is written over a printed name and title.

James M. Dauby
President/CEO

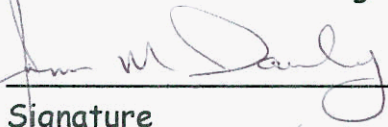
Cc: Bryon McCoy via e-mail byron.mccoy@fcc.gov

Attachments: Certificate of Compliance
Statement of Explanation: CPNI Compliance
CPNI Operating Procedures (with Customer 2-year Notification, Customer
Contact Form, Customer Contact Log Sheet, Revocation Form,
Confidentiality Agreement)
Disciplinary Process



**Certificate of Compliance: Customer Proprietary Network Information
(CPNI)**

I certify, under penalty of perjury, that I, the undersigned, as President/CEO of Perry-Spencer Rural Telephone Cooperative, Inc. (d/b/a PSC), and as President of Perry-Spencer Communications (d/b/a PSC) has personal knowledge that PSC has established operating procedures that are adequate to ensure compliance with the CPNI rules as contained in Subpart U - Customer Proprietary Network Information - of Part 64 of Title 47 of the Code of Federal Regulations.



Signature



Date

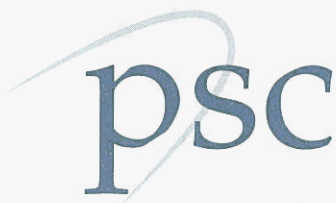


Title

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PSC

11877 E. State Road 62 P.O. Box 126 Saint Meinrad, Indiana 47577
(812) 357-2123 Fax (812) 357-2211
www.psci.net psc@psci.net



**Statement of Explanation: Customer Proprietary Network Information
(CPNI) Compliance**

This accompanying statement explains how the operating procedures of Perry-Spencer RTC and Perry Spencer Communications (collectively, PSC) ensure that we are in compliance with the rules governing CPNI as found in Subpart U - Customer Proprietary Network Information - Part 64 of Title 47 of the Code of Federal Regulations.

PSC adheres to all CPNI rules as stated in Section 64.2001-64.2009 concerning the proper use of our customer's CPNI. Specifically, our notice for CPNI approval meets all requirements as listed in Section 64.2008. To further protect our customer's privacy, we have implemented all safeguards required in Section 64.2009. This includes:

- the training of appropriate personnel as to when they are, and are not, authorized to use CPNI;
- the implementation of an express disciplinary process for CPNI violations;
- the implementation of a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI;
- the maintenance of a record, for at least one year, of our own, and our affiliates' sales and marketing campaigns that use customer CPNI;
- the establishment of a supervisory review process regarding carrier compliance with the federal CPNI rules for outbound marketing situations; and
- the establishment of annual certification by a corporate officer to ensure compliance with the federal CPNI rules.

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**PERRY-SPENCER RURAL TELEPHONE COOPERATIVE, INC.
PERRY-SPENCER COMMUNICATIONS, INC.**

CPNI Operating Procedures

Below are the specific procedures that Perry-Spencer RTC and Perry Spencer Communications (collectively, PSC) has implemented based on their interpretation of the FCC's CPNI rules. Effective date of the original CPNI rules for PSC is October 21, 2002.

Rules regarding the Form and Notice and how we are following these rules:

- ☒ We used and are using an approved written notice (not oral) that reaches all customers.
- ☒ The notice of the customer's right to restrict the use of CPNI was communicated on the same notice as our request for consent (opt-out policy).
- ☒ The notice clearly explained the precise steps the customer needed to take in order to deny approval. (Under opt-out, the customer does not need to do anything to communicate approval. Denial or restriction needs to be communicated by the customer.)
- ☒ The notice states that denial is valid until revoked by the customer or until the 2-year renewal notice is sent and that denial can be changed at any time.
- ☒ The notice clearly states that denial of approval will not affect the provision of services to which the customer subscribes.
- ☒ The notice states that the customer has a right, and the carrier has a duty, under federal law to protect the confidentiality of CPNI.
- ☒ The notice specifies the types of information that constitute CPNI.
- ☒ The notice specifies the entities that will receive the CPNI.
- ☒ The notice describes the purposes for which CPNI will be used.
- ☒ The notice informs the customer that they have the right to limit or disapprove of those uses and deny or withdraw CPNI approval at any time.
- ☒ The notice does not include statements attempting to encourage a customer to freeze third-party access to CPNI.

- ☒ The notice is comprehensible, is not misleading, uses sufficiently large type, and is placed in an area that is readily apparent to a customer (included on the bills) to enable the customer to make an informed decision about CPNI use.
- ☒ No portion of the notice is translated into another language.

Other Rules

- ☒ Our "opt-out" process includes a response method that is available 24 hours a day, seven days a week - at no cost to customer. Forms can be returned at any time with their payment or can be placed in our after-hours drop box, can be emailed at any time or left on our after-hours recorder that is available on our toll-free number.
- ☒ The customer is given a 35-day minimum period of time for the opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI (FCC rules require 33 days, if mailed). Mail notification waiting period begins to run on the 3rd day following the date that the notification was mailed.
- ☒ We've scheduled to send an "opt-out" notice to customers every two years. Our first notice was sent December 2002, our second scheduled notice was December 2004 and our next scheduled notice will be December 2006.
- ☒ We will maintain records of our notification for two years. (The FCC rules require at least one year.)

Organizational Checklist

We have our CPNI safeguards in place:

- ☒ Prior to using CPNI in marketing campaigns after 10/21/02, we implemented a system by which the customers' CPNI status can be clearly established. Customers are coded so that a warning message appears if the customer has chosen to opt-out (History Code 061 or 062). Another warning message appears if the customer has been notified of our opt-out mechanism but the 35-day waiting period has not expired yet (History Code 063 or 064). These warning messages appear as the first screen when inquiring on a customer's account.
- ☒ Relevant employees are trained on the proper use of CPNI including when they are, and are not, authorized to use CPNI. Initial training was conducted in December 2002 and will be conducted annually on these procedures.

- ☒ We have established a disciplinary process for violations of the CPNI rules.
- ☒ We have established a supervisory review process regarding compliance with the CPNI rules for all outbound marketing situations. Specifically, sales/marketing/LD personnel must obtain supervisory approval of any proposed outbound marketing request from the Director of Commercial Operations before outbound marketing is sent. We will maintain these records for a period of two years. (Although the FCC requires maintaining these records for one year.) (We are using Print Codes 61, 62, 63, 64 to mark these opt-out customers so we do not send out marketing information to them if CPNI was used to find the customers to market to.)
- ☒ We maintain a record of all campaigns that utilize CPNI. These records include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as part of the campaign. We maintain these records for two years. (The FCC requires maintaining for one year.)
- ☒ We have a current CPNI compliance certificate and statement of explanation filed in our business office in case customers want to review it. These forms will be updated yearly and filed. The Annual Certification is 'publicly available' and is located in our Terms and Conditions Binder at the Company's Front Desk. This entire plan is kept in the front office at the front desk in the Terms and Conditions binder.

Misc. Organizational Checklist

- ☒ We did not conduct any marketing campaigns beginning October 21, 2002 until approximately January 6, 2003 when all opt-out customer requests had been coded into the billing system (exclusions to this were campaigns based solely on SLI (Subscriber Line Information) and not CPNI). Anything that is or could be included in the telephone directory is not considered to be CPNI but is considered as SLI. And, as such, SLI customers will be included in marketing campaigns regardless of whether they are an opt-out customer (i.e., a customer's name, phone number and address are not considered CPNI). Examples for using SLI, marketing a promotion to all of the customers that live on a particular street, part of town, or to the whole population does

- not require notice and/or consent because addresses are not considered CPNI.
- ☒ Examples of CPNI, which would apply to PSC, are customer-spending information, call detail, access type, calling plan information and may pertain to service quantity, type, technical configuration and destination.
 - ☒ CPNI Notice Letters with an opt-out form were sent and will be sent to all customers (PSRTC, PSCI, PSCLD) every 2-years to allow the customer the ability to opt-out. The first notice was sent 12/1/02 as a Bill Insert in all of the Company's bills. We have some customers who only receive a bill once a year (not in December)—those customers were sent a separate mailing with the Notice and the Opt-Out form.
 - ☒ We will still not conduct Telemarketing calls even on those customers who have not requested opt-out due to the Indiana 'Do Not Call' list. We will only contact those non opt-out customers through direct mail or e-mail. We can contact an existing customer if it is regarding an existing service as long as we aren't selling (marketing) anything new to them.
 - ☒ We will provide written notice to the FCC within 5 business days of any instance where the opt-out mechanisms do not work properly (when the inability to opt-out is more than an anomaly). Per the FCC rules, this notice will be in the form of a letter and will include the carrier's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified and whether it has taken any action, a copy of the notice provided to customers, and contact information.
 - ☒ If we make CPNI available to joint venture partners or independent contractors, all parties must enter 'confidentiality agreements' that must follow certain guidelines.
 - ☒ During an inbound or outbound call or customer visit, PSC may use an oral notice to ask the customer for permission to use CPNI to analyze the customer's account and/or market additional services or special promotions for the customer's existing services. This permission is for a limited, one-time use of CPNI for inbound or outbound customer telephone contacts for the duration of the call only, regardless of whether the customer has chosen the opt-out policy. If the customer

gives approval, the approval is good only for the duration of the call, or if the approval is obtained during a customer visit, the approval is good only until the close of that visit. Our oral notice statement consists of:

Do I have your permission to look at all the information available on your accounts with Perry-Spencer while we are on this phone call?" or Perry-Spencer has services and plans that may interest you and could save you money. May I discuss them with you?

If the customer questions why we are asking, our response is:

The FCC has ruled that telecommunications companies have to ask the customer's permission before looking at the details of their accounts or the transactions in those accounts before we can look to determine if we can save you money by using any of our products/services or a combination of those products/services.

In December 2002 or on you first bill from us, you were sent information on Perry-Spencer's Customer Proprietary Network Information (CPNI) Policy. Your response or non-response covered most mailings, etc. However, we do need to ask this when you call in regarding certain subjects.

- ☒ We do not need to ask for CPNI permission on inquiries concerning a change of address or payment arrangements. Only requests on information regarding features, changes in the products/services used, disconnects, long distance, etc. are subject to the FCC's CPNI rules.
- ☒ All new RTC (NC, NR, RC) phone customers and all new PSCI customers (IN, IR) and PSC LD accounts get CPNI notices in their 1st month's bills. We code them as Credit History Code 063 and 064 which means it is a pending CPNI notification. No marketing based on CPNI will be done on these accounts until the 35-day waiting period has passed. This code pops up on the computer screen as soon as anyone brings up the customer's account on the computer. We also check Print Codes before sending any item out that uses CPNI (Print Codes 61 and 62 indicates an opt-out customer and Print Codes 63 and 64 indicates a CPNI waiting period.)

- ☒ The CPNI Policy for each company has been posted on our websites: www.psci.net and www.psrtc.com. E-mail addresses have been set up to submit opt-out requests to: cpni@psci.net and cpni@psrtc.com.
- ☒ CPNI may be used in the process of checking credit on the customer regardless if the CPNI waiting period has expired or not. Credit checks require using a customer's Social Security Number along with SLI information.
- ☒ An audit will be scheduled annually to ensure compliance with this CPNI plan.

the use of your CPNI data, you must contact us in writing at the following address or e-mail us at cpni@psci.net or leave a message on our after-hours recorder within 30 days of receiving this notification. Your restriction of this CPNI data will not affect the service or services to which you subscribe. This restriction of use of your CPNI data will remain valid until you contact us in writing or until December 1, 2006, whichever comes first. (In two years, we will provide another CPNI notice.)

CPNI Restriction Form

I hereby refuse permission to PSC to access and use my CPNI to recommend products and/or services to me. This refusal of permission applies to all of the accounts that I, or any legal entity on whose behalf I am executing this form, may have from time to time with this company. I represent that I have the authority to execute this form and refuse this permission. This restriction will remain in effect until I affirmatively revoke it or December 1, 2006, whichever comes first.

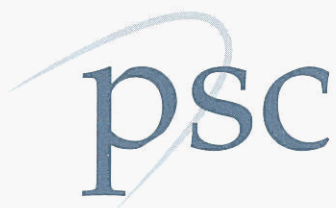
The CPNI is for member number(s) _____

Name: _____ Company: _____

Address: _____ City, State, Zip: _____

Authorized Signature: _____ Date: _____

Please mail this form to: PSC, PO Box 126, St. Meinrad, IN 47577, drop it by our office at 11877 E State Road 62, St. Meinrad, IN, fax this form to 812-357-2211 or leave this same information on our after-hours recorder at 800-511-4899.



**CPNI
Customer Contact Form**

Date: _____

Description: _____

Type: ☐ Mailer ☐ Bill Insert ☐ Newsletter ☐ Instream Insert
☐ Online Newsletter ☐ Other _____

CPNI Used: ☐ Yes ☐ No

Description: _____

Selection Criteria:

- ☐ All RTC
- ☒ All PSCI
- ☐ All PSCLD
- ☒ All Customers – Both Companies
- ☐ Other

Copy Attached ☐ Yes ☐ No

List Attached ☒ Yes ☐ No

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CPNI Restriction Revocation Form

Please fill out this page and fax it to 812-357-2211 or mail or drop it by our office: Perry-Spencer Rural Telephone Cooperative, Inc, 11877 E State Rd. 62, St. Meinrad, IN 47577.

I hereby grant permission to Perry-Spencer Rural Telephone Cooperative, Inc. (d/b/a PSC) and its subsidiary, Perry-Spencer Communications, Inc., (d/b/a PSC) to access and use my CPNI to recommend products and/or services to me. This permission applies to all of the accounts that I, or any legal entity on whose behalf I am executing this form, may have from time to time with these companies. I represent that I have the authority to execute this form and give this permission. (This form is valid until the next two-year CPNI mailing.) I understand that this form revokes my previous Opt-Out request that is on file at PSC.

The CPNI is for account number(s) _____

Name: _____ Company: _____

Address: _____ City, State, Zip: _____

Authorized Signature: _____ Date: _____



Confidentiality Agreement

This agreement, effective as of _____, is entered into by Perry-Spencer Rural Telephone Cooperative, Inc. (d/b/a PSC) and/or Perry-Spencer Communications, Inc. (d/b/a PSC) and _____ for the purpose of protecting Customer Proprietary Network Information (CPNI) which may be needed in order for _____ to evaluate, install or maintain the services provided/used by both companies.

The parties agree as follows:

1. Neither party will directly or indirectly divulge to unauthorized persons any information received from the other party which relates to CPNI, except as otherwise required by law.
2. Each party as recipient of such proprietary information from the other party will disclose such information only to its employees.
3. Each party agrees this proprietary information will be used for installing and maintaining the products or services provided jointly by both companies or for marketing products or services offered jointly by both companies.
4. This agreement shall be binding on both parties for a term of two years from the effective date set forth above and a new contract will be written at that time.

Agreed to this date:

Perry-Spencer Rural Telephone Cooperative, Inc (d/b/a PSC)
or Perry-Spencer Communications (d/b/a PSC)

Company Name

Signature

Signature

Name

Name

Title

Title

Date

Date

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PSC

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CPNI Disciplinary Process

Perry-Spencer Rural Telephone Cooperative is committed to abiding by rules and regulations set forth by Federal and State Governments. The Federal Communications Commission (FCC) regulates the Customer Proprietary Network Information (CPNI) guidelines, and requires telecommunication companies to have in place a CPNI Disciplinary Process. Perry-Spencer RTC has developed a process for violations of the CPNI rules. . We take pride in our commitment to follow rules and regulations, so it shall be the process of Perry-Spencer RTC to abide by the following process.

Training on CPNI rules and regulations we be done annually and examples of violations will be given. Any question and/or concerns should be directed to the Director of Commercial Operations. Questions that cannot be answered immediately will be researched and given to any employee inquiring, within a minimal time frame.

Employees are to remember that they are providing service to customers and it is their responsibility to maintain and abide by the rules and regulations set forth by the FCC. Employee's violating the CPNI guidelines on a first offense will be re-trained by their immediate supervisor. Each "different" offense an employee makes, will result in that employee being re-trained again. If the same problem continues to exist, not only will the employee be re-trained, but also the entire staff. If the same problem still exists, after being re-trained twice on the "same" offense, and the nature of the violation is of such degree that the immediate supervisor or Director of Commercial Operations feels a warning needs issued, a written warning will be issued. If the problem still exists after a written warning is given, a meeting(s) will be scheduled with the employee's supervisor and the Director of Human Resources. If necessary the President/CEO and or Vice President/COO along with the Director of Commercial Operations will be present. Depending on the outcome of these sessions, disciplinary action maybe necessary, up to and including termination.

Note: For Union employees, procedures for disciplinary action will be in accordance with the union contract.